

City of Fort Smith

Code of Business Conduct Highlights

The City's code of business conduct as amended June 23, 2009 and adopted January 1, 2005, applies to all City of Fort Smith representatives including elected officials, appointed officials, confirmed officials, employees and volunteers. This code was adopted to maintain high ethical standards in all city matters, to treat public services as a public trust, and to employ independent, objective judgment in the performance of duties based on merit and free from avoidable conflicts of interest both real and apparent.

Highlights

Definitions:

The first section of the code provides definitions of terms. Some of the most pertinent ones are:

- Appointed officials-(see page 1)
- Employee (see page 1)
- Fiduciary duty (see page 1)
- Gift (see page 1)
- Relative (see page 1)
- Volunteer (see page 2)

Appointed Officials- persons appointed to serve or confirmed to serve on any municipal board, commission, authority or committee as authorized in the City of Fort Smith Code of Ordinances and Arkansas law, specifically including, without limitation, boards, commissions, authorities or committees having status as a public body corporate and politic independent of the City of Fort Smith.

Employee- any person holding any paid position of employment with the City.

Fiduciary Duty- a responsibility of, relating to, or involving a confidence or public trust.

Gift- any payment, entertainment, advance, services, or anything of value, unless consideration of equal or greater value has been given therefore. Per state law, an allowable gift to public officials is anything which is \$50 or less in value

Relative- any person related to a municipal representative by blood or marriage, in any of the following degrees: parents, spouse, children, stepchildren, brothers, sisters, parents-in-law, nephews, nieces, aunts, uncles, first cousins, grandparents, grandchildren and children-in-law. A separation between spouses shall not be deemed to terminate relationships described herein.

Code Highlights

Page 2

Definitions Continued

Volunteer- any person who is appointed or authorized to act on behalf of the City in any manner without compensation

Code:

- Municipal representatives must avoid conflicts of interest involving the City or its business. A conflict of interest occurs when an individual's private interest interferes in any way, or even appears to interfere, with the interests of the City as a whole.
- Conflicts of interest also arise when a municipal representative or their relatives receive improper personal benefits with the City. In accordance with state laws, officers will disclose financial interests and they will abstain from participating in deliberations and decision making where conflicts may exist.
- Municipal representatives shall perform their duties without regard for personal benefit.
- A municipal representative is prohibited from engaging in a financial transaction for his or her private business purposes as it relates to City business.
- Representation before boards, committees or commissions. A municipal representative shall not appear before the City Board or any commission or committee on matters for which or over which he or she sits or has supervisory or advisory responsibilities, except in the official representation of the City.
- Officers are non-partisan.
- Laws governing employee involvement in political activities shall be adhered to in accordance with federal and state laws.
- All municipal representatives have a fiduciary duty to refrain from using their positions in any manner for personal or private gain or which is detrimental to the public good.
- Municipal representatives must not request, direct or permit for personal use the use of any City vehicle, equipment, or facilities not available to the general public.
- Gifts in value greater than \$50 shall not be accepted by municipal representatives for services or official actions while performing official duties of his or her position. The acceptance of cash or the equivalent is never permitted. Municipal representatives shall not solicit gifts.
- Municipal representatives shall not be engaged as a vendor or independent contractor with the City when their City position is a factor in the decision-making process and the relationship would create a conflict of interest.

Code Highlights

Page 3

Enforcement

A verified complaint in writing, signed by someone with personal knowledge of the facts giving rise to the complaint, which states the name of any person alleged to have committed a violation of the Code and which sets forth the particulars thereof shall be reported to:

- 1. Arkansas Ethics Commission for violations involving elected officials;
- 2. City Board of Directors for violations involving appointed officials and volunteers; and
- 3. Director of Human Resources for violations involving employees.
- Investigation- Following receipt of an internal or external verified complaint or upon the receipt of other information, whether or not under oath, that provides a reasonable basis to believe that a violation of the Code has been committed or that an investigation of a possible violation is warranted, the City Internal Auditor will provide a written report within five business days of receiving the complaint. If evidence exists that violation has occurred, the violator shall be notified and the report shall be presented to the appropriate level of authority.

All municipal representatives are required to sign a form acknowledging the code of business conduct that he/she has read and understands the code.

If you are unsure that you have executed an acknowledgement, please contact Wendy Beshears at 784-2201 or wbeshears@fortsmithAR.gov. if you have questions.



By my signature below, I certify that I have read, understand, and agree to the terms and conditions set forth in the City of Fort Smith Code of Business Conduct originally adopted January 1, 2005 and amended June 23, 2009.

Print Name

Date